

REMARKS

Applicant has carefully reviewed the Office Action of February 8, 2005, and offers the following remarks in response thereto.

The Patent Office objected to the title as being neither descriptive nor precise. Applicant disagrees. The present invention is a composite user agent, precisely as the title states. However, in the interests of removing this non-substantive objection, Applicant has amended the title to be more descriptive and more precise such that the title reflects the gist of the present invention. The title now closely resembles the preamble of claim 1. Applicant requests withdrawal of the objection to the title at this time.

Before addressing the rejection, Applicant provides a brief summary of the present invention so that the remarks relating to the rejection are considered in the proper context. The present invention is designed to consolidate the various multimedia functionalities of myriad communication devices associated with a single user. The communication devices may be, for example, a telephone, a PDA, a computer, and the like, and have different types of communication technologies available to them. For example, some devices may be audio only, some may be audio and visual, and others may be data devices. In any event, the communication devices register with the combined user agent and provide an indication as to which communication technologies are supported by the particular device. Then, when an "incoming session" destined for the user is sent to the user, the incoming session is received by the combined user agent. The incoming session includes some indication of what sort of session is being attempted (e.g., an audio only call, a video session, or some other technology). The combined user agent determines what device is capable of supporting the incoming session and routes the session to one of the registered devices that supports the technology of the incoming session.

Claims 1-29 were rejected under 35 U.S.C. § 103 as being unpatentable over Christy. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is present in the prior art. MPEP § 2143.03. When the Patent Office attempts to establish obviousness with a single reference, the typical method is to modify the single reference to include a missing element. When the Patent Office modifies a single reference to establish obviousness, the Patent Office must do two things. First, the Patent Office must articulate a motivation to modify the reference,

and second, the Patent Office must support the motivation to modify the reference with actual evidence. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000).

The Patent Office opines that Christy teaches an interface and a control system, but admits that the control system does not explicitly implement any of the functionality recited in claim 1. The Patent Office opines that since Christy teaches that messages are processed by the appropriate cluster devices, it would be obvious to receive an incoming message, determine a media type, identify which devices support the media type, and route the incoming message to the device that supports the media type to achieve such functions. Applicant respectfully traverses. In essence, the Patent Office states that it would be obvious to add the functions so as to achieve the functions. Such a statement reflects a degree of circular logic that is prohibited in an obviousness determination. Applicant further traverses because even if the motivation were not circular, the motivation lacks the requisite actual evidence required to support the motivation. Since the motivation is non-compelling and further is not properly supported, the rejection is improper. Since the Patent Office has failed to set forth a proper rejection, claim 1 is allowable. Claims 2-9 depend from allowable claim 1, and are allowable at least for the same reasons.

Independent claims 10, 12, and 21 were rejected on the same basis. That is, since that basis is fundamentally flawed, the rejection of claims 10, 12, and 21 is likewise deficient. Since the Patent Office has failed to set forth a proper rejection, claims 10, 12, and 21, as well as dependent claims 11, 13-20, and 22-29 are allowable.

Applicant still further traverses the rejection because, when Christy is considered as a whole, Christy clearly teaches away from the determination of media capabilities as the basis on which routing is performed. As clearly recited in the independent claims, the incoming session is routed to the device that supports the media type which has been determined. In contrast, Christy's routing is a function of the destination address in the incoming message. That is, while Christy sends requests to the "appropriate member", Christy determines the "appropriate member" by looking at the address of the incoming request. Christy, col. 10, lines 15-18 describe how the commander learns the addresses of the members. Figure 8 and col. 11, line 58-col. 12, line 9 describe how the packet intended for a member switch is routed according to the determination of the Management Application Layer 419. The determination is described with reference to Figure 9 and at col. 12, line 55-col. 13, line 11. In particular, col. 13, lines 7-11 describe how the destination of the request is replaced by the IP or CMP address of the member

device being addressed. Explicit within this teaching is the fact that the incoming SNMP request has a destination address associated with the desired destination member. The commander evaluates this destination address and routes the SNMP request to the "appropriate member" based on this destination address. Since Christy is routing the requests based on the destination address, Christy is not routing the request based on determining a media type for the session based on the incoming message, identifying which devices supports the media type, and routing the incoming session to a device that supports the media type as claimed.

In short, Christy provides his own routing mechanism based on an address that exists within the incoming request, and does not perform the recited functions of examining the incoming request to determine media types and routing based on which device supports the determined media type. Nor would it be obvious to modify Christy away from his routing scheme because to date the Patent Office has not provided any appropriately supported motivation to support such a modification. In the absence thereof, the rejection is improper, and the claims are allowable.

Applicant requests reconsideration of the rejection in light of the remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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Date: April 13, 2005
Attorney Docket: 7000-083

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